

**To:** Echeverria, Marietta[Echeverria.Marietta@epa.gov]  
**From:** Pease, Anita  
**Sent:** Fri 4/21/2017 12:32:40 PM  
**Subject:** Re: CLA Letters re BEs: Issue Paper Needed

Sounds good. Thanks.

Sent from my iPhone

On Apr 21, 2017, at 7:37 AM, Echeverria, Marietta <[Echeverria.Marietta@epa.gov](mailto:Echeverria.Marietta@epa.gov)> wrote:

Draft note to Phil (I'll send Monday). Let me know if you have any comments.

Phil,

## Ex. 5 - Deliberative Process

Thanks,

Marietta

**From:** Keigwin, Richard  
**Sent:** Friday, April 21, 2017 6:28 AM  
**To:** Echeverria, Marietta <[Echeverria.Marietta@epa.gov](mailto:Echeverria.Marietta@epa.gov)>; Pease, Anita <[Pease.Anita@epa.gov](mailto:Pease.Anita@epa.gov)>; Nesci, Kimberly <[Nesci.Kimberly@epa.gov](mailto:Nesci.Kimberly@epa.gov)>  
**Subject:** CLA Letters re BEs: Issue Paper Needed

We need to develop a short (no more than 2 page) issue paper for the Administrator that discusses the issues raised by the registrants about the 3 OP BEs, the implications for the 2 NMC BEs, and a recommended path forward.

Once I can log into my computer, I'll send you the recommended format.

I need to get a draft to Wendy for her review by early next week.

Below is the paragraph that Wendy included in her "Thursday Note" to the Administrator.

#### **Registrants Request That Pesticide Biological Evaluations Be Withdrawn**

Dow AgroScience, LLC; Makhteshim Agan of North America, Inc.; and FMC Corporation sent letters (4/13/2017) to EPA, U.S. Fish and Wildlife Service and the National Marine Fisheries Service requesting that the chlorpyrifos, diazinon and malathion BEs be withdrawn from the services, and that the services stop work on their Biological Opinions. They claim that the interim approaches used in the BEs to analyze nation-wide effects on endangered species are flawed. OCSPF had anticipated releasing draft BEs for carbaryl and methomyl on April 18, 2017 for public comment. The services are subject to a settlement agreement deadline to issue biological opinions on these pesticides by December 31, 2017. Next Step:

## **Ex. 5 - Deliberative Process**

Rick Keigwin

Acting Director, Office of Pesticide Programs

U.S. Environmental Protection Agency

Sent from my iPhone

Begin forwarded message:

**From:** "Cleland-Hamnett, Wendy" <[Cleland-Hamnett.Wendy@epa.gov](mailto:Cleland-Hamnett.Wendy@epa.gov)>  
**Date:** April 20, 2017 at 7:24:10 PM EDT  
**To:** "Keigwin, Richard" <[Keigwin.Richard@epa.gov](mailto:Keigwin.Richard@epa.gov)>, "Jakob, Avivah" <[Jakob.Avivah@epa.gov](mailto:Jakob.Avivah@epa.gov)>  
**Subject:** CLA Letters re BEs

I've mentioned this in the weekly report, but I want to send up a "Hot Issue for Decision" Paper on this topic, that can be used – hopefully – to get a decision. Please email to me whenever you have a draft, and I'll review. Thanks.

Wendy Cleland-Hamnett

Acting Assistant Administrator

Principal Deputy Assistant Administrator

Office of Chemical Safety & Pollution Prevention

U.S. Environmental Protection Agency

202-564-2910

[cleland-hamnett.wendy@epa.gov](mailto:cleland-hamnett.wendy@epa.gov)